

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES ERNEST DICKERSON,

Plaintiff,

v.

MAGGIE MILLER-STOUT,

Defendant.

Case No. C06-5422 RJB/JKA

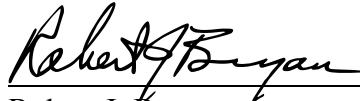
ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The plaintiff objects to the adoption of the Report and Recommendation by arguing that the institutional personnel have taken it upon themselves to impede Plaintiff's access to the Court. This objection is without merit. 42 U.S.C. § 1997e(a) mandates that all available remedies must be exhausted before an action may be brought under section 1983. Porter v. Nussle, 534 U.S. 516 (2002). Plaintiff admits in his complaint that he has failed to exhaust available administrative remedies prior to filing this action. Dkt. 1. Furthermore, Plaintiff admits in his supporting memorandum to his motion for extension of time that he is still pursuing an administrative remedy. Dkt. 10.

- 1 (2) The Court adopts the Report and Recommendation;
- 2 (3) Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE** for failure to
- 3 exhaust administrative remedies prior to filing; and
- 4 (4) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon.
- 5 J. Kelley Arnold. The Clerk also is directed to send uncertified copies of this
- 6 Order to all counsel of record via the CM/ECF system and to any party
- 7 appearing *pro se* at said party's last known address via the U.S. Mail.

8 DATED this 18th day of January, 2007.

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11 Robert J. Bryan
12 United States District Judge
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